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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,080	04/28/1999	CHARLES C. BRACKETT	15-UL-4901	6445

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EXAMINER
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POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/19/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/302,080

Applicant(s)

BRACKETT ET AL.

Examiner

Joseph R. Pokrzywa

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.


3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 29-39.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

## **DETAILED ACTION**

### ***Advisory Action***

1. The period for reply continues to run 3 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

### ***Response to Amendment***

2. The amendment filed 11/24/03 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

**Allowed claim(s): none**

**Rejected claim(s): 29-39**

**Claim(s) objected to: none**

*Response to Arguments*

3. Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.

4. In response to applicant's arguments regarding the rejection of **claim 29**, cited in the Office action dated 8/19/03, as being anticipated by McDonald (U.S. Patent Number 5,920,317), the applicant argues on pages 6 and 7 that examiner fails to show that McDonald teaches of a scanner comprising an operator interface, a display monitor, a scanning subsystem, a networking port and a computer programmed to perform steps (a) through (h). In making the rejection within the Office action dated 8/19/03, the examiner cited portions of the McDonald which teach the specific limitations within the claim language. For clarity, a more detailed description of McDonald will now be given by the examiner, with respect to claim 26. Particularly, McDonald teaches of a scanner (capture station 22, see Fig. 1) comprising an operator interface (seen in Fig. 5, as the image review module, column 9, line 61 through column 10, line 47), a display monitor (see Fig. 5, as the image review module, column 9, line 61 through column 10, line 47), a scanning subsystem for acquiring data representing an image of a target object (column 4, lines 1 through 35, whereby scanned ultrasound data is acquired in the image review module), a networking port for communicating with a network (see Fig. 1, being the connection to database server 24), and a computer programmed to perform various steps (column 3, line 66 through column 4, line 56, with the capture station 22 having an included programmed computer).

5. Specifically, McDonald teaches that the computer is programmed with the steps of  
controlling the display monitor to display one or more screens having a plurality  
of fields that can be filled with respective worklist search parameters (being a patient

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search parameters) inputted using the operator interface (column 5, lines 1 through 20, wherein a patient search parameter is input in step 40, which is a hospital chart number or a patients surname, thereby being a plurality of fields);

formulating a worklist search request message as a function of the contents of the plurality of fields in response to input of a search command using the operator interface (column 5, lines 12 through 17, being the search parameter message which is subsequently dispatched to the database server);

opening an association with a remote worklist broker (database server 24) via the network (column 5, lines 10 through 27, see Fig. 1, being the communication between the capture station 22 and the review station 26);

sending the worklist search request message to the remote worklist broker via the networking port while the association is open (column 5, lines 10 through 27, being the search parameter dispatched in a message to the database server);

controlling the display monitor to display at least portions of the worklist search results received from the remote worklist broker in response to the sending step (column 5, lines 19 through 38, steps 42 and 44, being the display of patients that match the search parameter);

registering portions of the worklist search results belonging to a particular patient in response to input of a patient selection command using the operator interface after the controlling the display monitor step (column 5, lines 23 through 38, steps 46, 48, 56, and 58, being the selection of a record, which is then retrieved from the database server 24, and the creation of a new admission record);

controlling the scanning subsystem to acquire an image in response to input of a scan command using the operator interface after the registering step (see Fig. 5, column 5, line 58 through column 7, line 45, being a created annotation file, seen in Table I having scan data, which is created after the registering step, which was interpreted as the creation of a new admission record); and

storing the acquired image in association with the registered portions of the worklist search results in response to input of a save command using the operator interface (column 2, lines 52 through 65, column 4, lines 47 through 56, column 5, lines 38 through 55, and column 14, lines 24 through 45, particularly lines 27 through 32, wherein the scan data and the admission record data for each patient are stored together).

6. The examiner notes that applicant summarizes the invention in the middle paragraph on page 7, wherein the applicant states that the “worklist may comprise a list of all patients to be examined on a particular day using that particular scanner”. This specific definition of “worklist” is not found in the claim language, and is therefore, not used in the claim interpretation by the examiner. As interpreted by the examiner, the worklist search parameters and results, as required in the specific claim language, correspond to McDonald’s patient search parameters and the returned message that displays any matching patients, whereby the patient’s records would correspond to the “worklist”.

7. Continuing, the applicant argues that McDonald fails to teach that the patient selection occurs after the search has been performed, being shown in steps (f) and (e), respectively, in claim 29. As noted above, McDonald teaches of the step of controlling the display monitor to

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display at least portions of the worklist search results received from the remote worklist broker in response to the sending step (steps 42 and 44, being the display of patients that match the search parameter) being performed before the step of registering portions of the worklist search results belonging to a particular patient in response to input of a patient selection command using the operator interface after the controlling the display monitor step (steps 46, 48, 56, and 58, being the selection of a record, which is then retrieved from the database server 24, and the creation of a new admission record). Thus, one of ordinary skill in the art can recognize that McDonald can be interpreted as teaching each of the limitations of the claim, as currently worded.

8. In response to applicant's arguments regarding the rejection of dependent **claim 31**, which states on page 8 that no trace or hint of a discussion of "worklist display format instructions" are found, and does not mention formatting of the search results anywhere. The examiner notes that claim 31 requires that "one of said screens further comprises fields that can be filled with worklist display format instructions inputted using said operator interface, said worklist display format instructions indicating what items in the worklist search results should be displayed on the display monitor in step (e)." The "worklist display format instructions" are being interpreted as particular search parameters being entered (being the hospital chart number, patient's surname, and other identifiers, etc., as read in column 5, lines 10 through 14). With this, the returned message based on the search parameter request displays various matching patients, as read in column 5, lines 14 through 20. Thus, by entering different search parameters, which indicate the items in the worklist search results that are displayed (being the displayed patients in step 44, i.e. all the patients with a particular surname), one of ordinary skill in the art can recognize that the search parameters, in fact, instruct a display format. Similarly, dependent

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claim 32 requires worklist display order instructions, with the worklist display order instructions indicating the order in which the items should be displayed on the display. As above, the “worklist display order instructions” are being interpreted as particular search parameters being entered (being the hospital chart number, patient’s surname, and other identifiers, etc., as read in column 5, lines 10 through 14). By entering particular search parameters, the order of displaying the items (being the matching patients) can be altered.

9. Therefore, the rejection of **claims 29, 31, and 32**, as well as **claims 30, 33, 35-37, 40, and 42**, as cited in the Office action dated 8/9/03, as being anticipated by McDonald, is maintained. Similarly, for the same reasons discussed above, the rejection of **claims 34, 38, and 41**, as cited in the Office action dated 8/9/03, as being unpatentable over McDonald in view of Cooke, Jr. *et al.* (U.S. Patent Number 6,574,629), is also maintained.



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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Joseph R. Pokrzywa  
Examiner  
Art Unit 2622

jrj



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